REMARKS

The application has been reviewed in light of the Office Action dated January 30, 2007. Claims 1-9 are pending in this application, with claim 1 being the sole pending claim in independent form. Claims 1-9 have been amended. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

The abstract of the disclosure was objected to because of a formal matter. In response, the abstract has been replaced with a new abstract attending to the points raised in the Office Action. Withdrawal of the objection to the abstract is respectfully requested.

Claims 1-9 were objected to because of a formal matter. The claims have been reviewed and amended to attend to this formal matter. Withdrawal of the objection to claims 1-9 is respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Office Action suggests that claim 1 is indefinite because it is allegedly not clear what applicant considers "external" and "internal" immune responses, how immune responses are measured and what is considered a stabilized immune response. The Office Action also indicates that it is unclear what is meant by the kits being used successively or separately. In response, Applicant points out that these terms are clearly explained in the specification. For example, a treatment starts from a practical, predominantly visual evaluation of deficiency symptoms relating to vitamins in the animals. The system used in treatment is then chosen in response to the health state evaluated, the diagnosis made and the estimated degree of problems. If the problem is determined to be an external immune response to the hoof, heel, skin, coat, etc., kit 1 is used.

If the problem is determined to be an internal immune response such as that caused by parasitic and bacterial attacks, etc., kit 2 is used. When the problem involves both the external and internal immune response, kit 1 is initially used followed by kit 2 or vice versa (see page 5, line 21 thru page 6, line 3 of Applicant's International Publication). A stabilized response can be determined for example, by the presence of no new cases being diagnosed after treatment, a rise in milk production, etc (e.g., see page 7 lines 1-29). Regarding the terms "standard dosage" and ordinary prescribed dosage", it will be appreciated that the dosage cannot be defined unambiguously, since it can depend on several variables including, for example, the substance in question, the nature of the animal being treated, the disease being treated, etc. From the teachings of the present disclosure, the dosage can be readily determined by the veterinarian based on their diagnoses (e.g., see page 5, lines 21-24.) Finally, the Office Action questions whether the treatments are applied directly to the area of the body mentioned. In response, Applicant directs the Examiner's attention to the examples 1-3 shown on pages 6-9 which clearly indicate that the dosages can be administered through foodstuffs and/or drinking water. In view of the above amendments and remarks withdrawal of the rejections under Section 112, second paragraph, is respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly obvious from U.S. Patent 5,973,224 to Fuchs et al., U.S. Patent 6,190,685 to Karita and U.S. Patent 5,948,443 to Riley et al. Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits independent claim 1 is patentable over the cited art, for at least the following reasons.

Independent claim 1 relates to a vitamin-containing system for stabilising the external and the internal immune response of animals. The system consists of two parts or "kits" to be used successively or separately, characterised in that:

kit 1 includes 0.5 to 30% of biotin,
0.01 to 5% of allicin and
0 to 10% of crushed radishes (raphanus savitus) mixed in a first carrier including oat as stabilizer, and

kit 2 includes 5 to 30% of vitamin E,
0.1 to 15% of stabilised vitamin C,
0.1 to 1% of selenium,
0.1 to 10% of allicin and
0 to 10% of crushed radishes (raphanus savitus) also mixed in a second carrier.

Fuchs et al and Karita, as understood by Applicant, relate to kits including oat, radish, barley, vitamin E, vitamin C, biotin and selenium (Fuchs et al.) and allicin containing garlic oil (Karita) for treatment of immune diseases such as HIV affecting people. The Office Action combines the subject matter of these patents with the subject matter of Riley et al. from which it alleged that it was commonly known at the time of filing the application that ingredients used together for treatment can also be subdivided into different units or "kits". Applicant respectfully disagrees.

Initially, it is noted that the present disclosure is not directed to compositions for treatment of HIV. It is a well-known fact that HIV is a condition which affects human beings (the "H" in HIV standing for "human"). Instead, the present disclosure relates to the treatment of animals

and, in particular, domestic animals. The strengthening and stabilization of an animal's internal and external immune systems yields considerably improved production benefits with regards to the meat, milk and skin taken from these animals.

It is entirely improper to compare the vitamin system according to the present disclosure which is to be used for incentive treatment of animals with known means for treatment of diseases affecting human beings. For example, during the international stage of prosecution of the parent PCT application, it was made clear that preparations for human treatment do not anticipate the present disclosure.

In addition, Applicant points out that although the ingredients of the vitamin system according to the present disclosure have been used both separately and in many other combinations for the treatment of different conditions, their advantageous effect on animals when utilized in the manner described in the present disclosure was not known. In fact, the use of aspects of the present disclosure is comprehensively dealt with in Applicant's specification (e.g., see page 4).

The present disclosure is based on the recognition that prosperity and quality of life of farming animals, animals for fur production and the like are conditions of good production results and that stabilization of the animals' immune system plays a decisive role for an improved prosperity and thus an improved quality of life. It has been evidenced that treatments with the vitamin system according to the present disclosure administered in the prescribed manner (e.g., see claim 4) causes a considerable improvement in the general condition of animals and results in increased production and improved product quality. Applicants submit that these results with animals would in no way be obvious to a person of ordinary skill in the art based on the cited art.

Accordingly, Applicant finds no teaching or suggestion in the cited art of a vitamin-containing system for stabilizing the external and the internal immune response of animals, as recited in independent claim 1.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

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